



Transcript: Removal of Duplicate Certificates of Title

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Welcome to Landgate. This presentation is about the Removal of Duplicate Certificates of Title in Western Australia.

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The *Transfer of Land Amendment Act 2022* is an act of Parliament which was passed in June of that year which amends the *Transfer of Land Act 1893*.

The key change which will be happening in August 2023 is Duplicate Titles will be removed from use in Western Australia's land titling system.

Pictured here we have some examples of how Duplicate Titles have looked like throughout the years, depending on which year the Duplicate Title was created. The blue Duplicate Title is the current format which has been used since 2006.

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Here is an abbreviated timeline of Land Titles in Western Australia. Duplicate Titles have been a feature of the Land Titles system in WA since it started being used here in 1875.

With a change to legislation in 1996, having a Duplicate Title became optional. Landgate started to digitise the original Certificates of Title in 2001. Original Certificates of Title had been in a paper format until this time.

Duplicate Titles have been printed on blue Title paper with embedded security features since 2006 until present.

In 2015, Electronic conveyancing was introduced in Western Australia.

The ease of use of electronic conveyancing by the conveyancing and finance industries, together with the demonstrated security of the electronic networks, has led to electronic conveyancing being the standard settlement process in Western Australia for the past 5 years.

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So why are we removing Duplicate Titles?

Duplicate Titles are increasingly out of place as electronic conveyancing evolves in Western Australia. Removing Duplicate Titles aligns Western Australia with most of the other states and territories that no longer have duplicate titles. Having to produce a paper title for an electronic transaction does not make sense.

We've been transitioning to this point for a while since Duplicate Titles became optional in 1996. So now more than half of all freehold titles are already paperless, with no Duplicate Title issued.

Also, a Duplicate Title in Western Australia has limitations of which many people are unaware. For example, caveats, notifications, memorials and property seizure orders have never appeared on a Duplicate Title. They are only on the Original Certificate of Title.

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From 7 August 2023, Duplicate Titles will no longer be created and will be removed from WA's land titling system.

Existing Duplicate Titles will no longer have any legal effect and anyone who has a Duplicate Title will not need to return it to Landgate, destroy it or have it rendered invalid. It can be kept as a keepsake.

With no requirement to securely store or retrieve a paper Duplicate Title for registration of land transactions, E-conveyancing and electronic lodgement will be simplified.

If you hold a Duplicate Title as security for money you have loaned to somebody, you should consider obtaining advice from a qualified industry professional before the changes take effect in August 2023, to find out how to best protect your interest.

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We are committed to maintaining the safety and security of your Certificate of Title and all data on the Land Titles Register is Landgate's highest priority.

Verifying identity and establishing the Right to Deal are key safeguards for property transactions, mitigating the risk of fraud and giving other parties confidence that they are transacting with the person who has the right to transact.

Landgate follows the WA Government's Cyber Security policy to protect personal information and mitigate cyber risk and the backing up of data.

Most land transactions are lodged through WA's electronic conveyancing network which has a range of secure checks in place for land transactions which reduces the risk of fraud including an obligation for landowners to undergo a Verification of Identity process at least twice when selling land.

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Prior to the changes occurring in August 2023, Landgate will be providing as much information and awareness of the changes to landowners and industry stakeholders such as conveyancers, lawyers and financial institutions.

Information and education resources are easily accessible on Landgate's website. Landgate and the Electronic Lodgement Network Operators are removing Duplicate Title functionality in their IT systems to ensure a smooth transition in electronic conveyancing. We'll be updating all of our guides and other Landgate publications and providing further updates in our Customer Information Bulletins.

If you don't already subscribe to our Customer Information Bulletins you can do this for free in the Customer information Bulletin section of the Landgate website.

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We have a dedicated webpage on our website relating to the Changes to the Transfer of Land Act which includes some education material that you may find helpful. You will find answers to some frequently asked questions, a fact sheet and an animated explainer video. We encourage you to explore these resources.

If you have feedback or concerns or you have questions which are not covered in the Frequently Asked Questions, you are welcome to send these to our dedicated email - TLA.Amendments@landgate.wa.gov.au.

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Thank you.

